



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-33388 - APPLICANT: BARGAIN HUNTERS, LLD -
OWNER: JACK LAIRD S, LLC**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Secondhand Dealer use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed 20,457 square-foot Secondhand Dealer use within an existing building on 3.65 acres at 1200 South Rainbow Boulevard. The applicant has indicated that the project is a tenant improvement and will not alter the square footage of the existing building and will not modify the existing condition of the site. The proposed use is compatible with the surrounding area and meets the minimum Special Use Permit requirements for a Secondhand Dealer use; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/19/86	The City Council approved a request for Annexation (A-0009-85) of property described generally as located south of Charleston Boulevard between Torrey Pines Drive and Fort Apcahe Road.
07/20/88	A request for a Reclassification (Z-0055-88) of property from N-U (Non-Urban) to C-1 (Limited Commercial), located at 1200 South Rainbow Boulevard. The Planning Commission also recommended approval.
03/26/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #21/ng).
<i>Related Building Permits/Business Licenses</i>	
02/10/89	A building permit (#89023103) was issued for Phase I – New Shell Building at 1200 South Rainbow Boulevard. This permit was finalized on 02/23/90.
04/28/89	A building permit (#89023104) was issued for on-site improvements and hardscapes at 1200 South Rainbow Boulevard. This permit expired on 02/23/08.
03/20/90	A building permit (#90058949) was issued for Phase II – New Shell Building at 1200 South Rainbow Boulevard. This permit was finalized on 08/07/90.
03/20/90	A building permit (#90058950) was issued for on-site improvements and hardscapes for Phase II at 1200 South Rainbow. This permit expired on 02/23/08.
04/09/94	A building permit (#92139707) was issued for 2 illuminated pole signs at 1200 South Rainbow Boulevard. This permit expired on 04/09/94.
01/16/96	A building permit (#96000959) was issued for a Tenant Improvement at 1200 South Rainbow Boulevard for a furniture store. This permit was finalized on 03/29/96.
03/01/96	A building permit (#96004136) was issued for 3-sided monument sign and 2-wall signs at 1200 South Rainbow Boulevard. This permit expired on 09/28/96.

03/22/02	A building permit (#2005034) was issued for 135 square-foot wall sign at 1200 South Rainbow Boulevard. This permit expired on 09/21/02.
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07/28/03	A building permit (#3016057) was issued to replace a damaged block wall at 1200 South Rainbow Boulevard. This permit was finalized on 08/12/03
08/29/03	A business license (F07-01718) was issued for a Furniture Store at 1200 South Rainbow Boulevard. This license was marked out on 05/16/08
12/18/07	A business license (D02-0093) was issued for Distressed Merchandise Sales at 1200 South Rainbow Boulevard. This license was marked out on 05/16/08
11/26/08	A business license (F07-01999) was issued for a Furniture Store at 1200 South Rainbow Boulevard. This license is still active.

<i>Pre-Application Meeting</i>	
01/29/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
02/19/09	During a routine field check staff observed a well-maintained retail center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.65

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
South	Financial Institution	SC (Service Commercial)	C-1 (Limited Commercial)
East	Medium Density Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Retail / Office Development	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Personal Service (Martial Arts Studio)	2,000 SF	1: 250	8	7	121	5	*N
General Retail	41,750	1: 250	167				
Secondhand Dealer	20,457 SF	1: 250	82				
Sub-Total	64,207 SF		257				
TOTAL			264		126		

*The proposed use will be located within an existing retail building site approved by (Z-55-88) with associated surface parking and no expansion of the existing facility is proposed. The project location is considered parking impaired pursuant to Title 19.10.010(c).

ANALYSIS

This is a request for a Special Use Permit for a proposed 20,457 square-foot Secondhand Dealer at 1200 South Rainbow Boulevard. The subject site is an existing furniture store and is located within an existing shopping center capable of accommodating a variety of uses. The addition of a Secondhand Dealer within this center is compatible with the existing and future land uses. Therefore, staff recommends approval.

- **Zoning**

The subject site is located on the Southwest Sector Map of the General Plan. The site is designated as SC (Service Commercial). This category allows for a low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow Mixed-Use development with a residential component where appropriate.

The subject site is currently within a C-1 (Limited Commercial) zoning district and will utilize 20,457 square feet of space. The C-1(Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfare along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. The use will not change the physical appearance or characteristics of the subject site and is compatible with the surrounding uses in the area. The proposed Secondhand Dealer use is permissible with the approval of this request and would then be consistent with the established SC (Service Commercial) General Plan designation and C-1 (Limited Commercial) zoning district.

- **Use**

Secondhand Dealer is defined by Title 19 as a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this description, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. This use includes the sale of jewelry (Class III type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. This use does not include the buying and selling of foreign or domestic coins for numismatic purposes, which shall be allowed where retail sales of new merchandise is permitted. This use also does not include a thriftshop or nonprofit thriftshop. The applicant has indicated that they will be selling used home furnishing and appliances which is incidental to the sell of new articles.

The floor plan indicates that there will be two showrooms, a storage room, two offices, a cashiers counter, four restrooms and area located in the back of the building for shipping and receiving goods. Staff finds that the required parking for this site is 264 parking spaces with seven handicapped designated spaces. A staff site visit determined that this location has a total of 126 parking spaces, with five designated handicap spaces. This center was built in 1990 to applicable parking standards and therefore is considered a parking impaired development. Although parking is a noted concern, this is mitigated by this commercial center's parking impaired status and the fact that the proposed Secondhand Dealer use has the same parking requirements as the existing general retail use.

- **Minimum Special Use Requirements**

Minimum Special Use Permit Requirements for a Secondhand Dealer use in a C-1 (Limited Commercial) zoning district are:

- *1. No outdoor display, sales or storage of any merchandise shall be permitted.
- *2. The use shall comply with the applicable requirements of LVMC Title 6.
- *3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

Pursuant to Title 19.04.050, these are the Minimum Special Use Permit Requirements, and are not Waivable. The proposed Secondhand Dealer use meets the Minimum Special Use Permit Requirements per Title 19.04. Therefore, staff is recommending approval of this Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use is compatible with the SC (Service Commercial) General Plan designation and is located within an existing shopping center. The use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Secondhand Dealer use will be in conjunction with three existing General Retail Stores, Other Than Listed and a General Personal Service (Martial Arts Studio) within a shopping center, which is physically suitable for the type and intensity of the land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Site access is provided from Rainbow Boulevard Avenue, a 100-foot Primary Arterial, and Del Rey Avenue, a 60-foot Local Collector, as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this special use permit should not compromise public health, safety, or welfare as the proposed Secondhand Dealer use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed Secondhand Dealer use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The applicant agreed to all proposed conditions. The Planning Commission had questions with regard to the acquisition and sale of firearms on site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 491 by City Clerk

APPROVALS 0

PROTESTS 0